

United States District Court

For the Northern District of California

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5 IN THE UNITED STATES DISTRICT COURT

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9 FOR THE NORTHERN DISTRICT OF CALIFORNIA

10 SERVICE EMPLOYEES INTERNATIONAL UNION,
11 DAVID REGAN and ELISEO MEDINA, as trustees for
12 SEIU UNITED HEALTHCARE WORKERS-WEST
13 and fiduciaries of the SEIU UNITED HEALTHCARE
14 WORKERS-WEST AND JOINT EMPLOYER
15 EDUCATION FUND, SEIU UNITED HEALTHCARE
WORKERS-WEST, an unincorporated association and
fiduciary of the SEIU UNITED HEALTHCARE
WORKERS-WEST AND JOINT EMPLOYER
EDUCATION FUND, and REBECCA COLLINS, as a
participant in the SEIU UNITED HEALTHCARE
WORKERS-WEST AND JOINT EMPLOYER
EDUCATION FUND,

No. C 09-00404 WHA

16 Plaintiffs,

**ORDER RE REQUEST
FOR LEAVE TO FILE
MOTION TO MODIFY
PRELIMINARY
INJUNCTION**

17 v.

18 SAL ROSELLI, JORGE RODRIGUEZ, JOAN
19 EMSLIE, JOHN BORSOS, JOHN VELLARDITA,
GABE KRISTAL, PAUL KUMAR, MARTHA
20 FIGUEROA, BARBARA LEWIS, PHYLLIS
WILLETT, DANIEL MARTIN, LAURA KURRE,
RALPH CORNEJO, WILL CLAYTON, GLENN
21 GOLDSTEIN, FRED SEAVEY, MARK KIPFER,
AARON BRICKMAN, IAN SELDEN, GAIL
BUHLER, FREJA NELSON, ANDREW REID,
22 NATIONAL UNION OF HEALTHCARE WORKERS;
MARYRUTH GROSS, CONNIE WILSON, ARLENE
PEASNALL, CHERIE KUNOLD, FAYE LINCOLN,
23 and DOES 1 through 100, inclusive,

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25 Defendants.

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27 Defendants filed a request for leave to file a motion for reconsideration of the
28 preliminary injunction. Defendants argue that the requirement that they submit declarations
regarding the missing files is moot given that defendants have now submitted declarations, and

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1 they seek clarification of two factual statements in the preliminary injunction, among other
2 matters. An order dated August 17, 2009, invited plaintiffs to respond, and plaintiffs' response
3 has now been received.

4 This order accepts that Carrie Cianchetti did not work for UHW *prior* to the trusteeship,
5 and that the *main* Kaiser office is in Oakland, not Sacramento. Neither clarification, however,
6 necessitates further modification of the preliminary injunction. The preliminary injunction
7 focused on Ms. Cianchetti's actions after the trusteeship, not before. Moreover, the preliminary
8 injunction addressed whether files were missing from the Sacramento office and the fact that
9 the Oakland office was the main office is immaterial to the findings therein. Defendants'
10 request for leave to file is otherwise **DENIED**.

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12 **IT IS SO ORDERED.**

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14 Dated: August 31, 2009.

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Wm. Alsup

WILLIAM ALSUP
UNITED STATES DISTRICT JUDGE